IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 07.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.493 of 2006

Stephen ...
Petitioner

Vs.

1.The State of Tamil Nadu, rep. by the
Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The Commissioner of Police,
Greater Chennai,
Egmore, Chennai-8. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records leading to the detention of the petitioner namely Stephen S/o Lawrence has been detained under Act 14/82 as a "Goonda" vide detention order dated 07.04.2006 on the file of the second respondent herein made in Memo No.118/BDFGISV/2006, quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and set him at liberty from the Central Prison, Chennai.

For Petitioner : Mr.M.Rajavelu
For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner by name Stephen, who is detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of

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1982), by the impugned detention order dated 07.04.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner has raised the only contention that there was delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the said claim, the learned Additional Public Prosecutor has furnished the details, which show that the representation of the detenu dated 08.05.2006 was received by the Government on 10.05.2006 and remarks were called for on 11.05.2006 and the remarks were received by the Government on 16.05.2006 and the File was submitted on 17.05.2006 and the same was dealt with by the Under Secretary and Deputy Secretary on 22.05.2006 and finally, the Minister for Prohibition and Excise passed orders on 23.05.2006. The rejection letter was prepared on 24.05.2006 and the same was sent to the detenu on 25.05.2006 and served to him on 26.05.2006. The learned counsel for the petitioner by pointing out that though the remarks were called for on 11.05.2006, the same were received by the Government only on 16.05.2006, submitted that in the absence of proper explanation by the person concerned, the said delay has prejudiced the detenu in disposal of his representation.

4. We are unable to accept the said contention since the particulars furnished by the learned Additional Public Prosecutor show that the remarks were called for by the Government on 11.05.2006 and the same was received by the Collectorate on 12.05.2006. In turn, the Collectorate called for the remarks from the sponsoring authority on 13.05.2006; received the same from the sponsoring authority on 14.05.2006 and the same were received by the Government on 16.05.2006. If we consider the details furnished including the Collectorate and the sponsoring authority, we are satisfied that there was no let up or undue delay, as claimed by the learned counsel for the petitioner. Accordingly, we reject the contention raised by the learned counsel for the petitioner.

5. Except the above contention, no other ground was urged. In the light of what is stated above, we do not find any ground for interference. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

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Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The Commissioner of Police, Greater Chennai, Egmore, Chennai-8.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

HCP. No.493 of 2006

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GP/17.8.

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